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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE WESTERN DISTRICT OF MISSOURI**
6 **SOUTHERN DIVISION**

7 **UNITED STATES OF AMERICA,**) **Case No. 05-03315-CV-S-RED**
8)
9 **Plaintiff,**) **Springfield, Missouri**
10) **January 24, 2013**
11 **v.**)
12)
13 **EZRA FRANKLIN,**)
14)
15 **Defendant.**)
16)

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18 **TRANSCRIPT OF HEARING ON MOTION FOR**
19 **CONDITIONAL RELEASE**
20 **BEFORE THE HONORABLE DAVID P. RUSH**
21 **UNITED STATES MAGISTRATE JUDGE**

22 **APPEARANCES:**

23 For the Plaintiff: Christina L. Wiggins, Esq.
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 produced by transcription service.

1 (Court in Session)

2 THE COURT: Calling in Ezra Franklin. This is before
3 the Court on the Government's Motion for Conditional Release.
4 Mr. Franklin, would you please raise your right hand?

5 EZRA FRANKLIN, DEFENDANT, SWORN

6 THE COURT: All right. Mr. Franklin, have you been made
7 aware of the conditions that are being proposed for your release
8 from the institution?

9 MR. FRANKLIN: I was told that there will be conditions,
10 but I haven't seen them. I seen maybe a couple of them.

11 THE COURT: Well, --

12 MR. FRANKLIN: I know there's probably like maybe 14 or
13 15, sir.

14 THE COURT: Have you read those conditions -- have they
15 been reviewed with you?

16 MR. FRANKLIN: I mean, no, I haven't seen them. But
17 I've heard like maybe two of them. Well, I mean, I'm supposed to
18 get a copy from my social worker right here, Mr. Costello.

19 THE COURT: Well, it's important for the Court to be
20 aware and to be comfortable that you've reviewed those conditions
21 of release before the Court can consider whether to grant the
22 Government's motion. Mr. Mercer, have you had a chance to go
23 over the conditions of release with Mr. Franklin?

24 MR. MERCER: Did you speak with an attorney from my
25 office yesterday, with Michelle Moulder?

1 MR. FRANKLIN: No, sir.

2 MR. MERCER: Okay.

3 MR. FRANKLIN: I didn't talk to no attorney yesterday.

4 MR. MERCER: Okay. It's okay. Your Honor, if you want,
5 I can step out and review them with him really quickly.

6 THE COURT: Yeah. That would be great.

7 MR. MERCER: Okay. I've got them right here.

8 THE COURT: Okay. We'll take a recess.

9 MR. MERCER: So, Mr. Franklin, step out with me for a
10 second.

11 THE COURT: A short recess.

12 (Court in Recess)

13 THE COURT: We are back on the record for the hearing in
14 regard to Ezra Franklin on the Government's Motion for
15 Conditional Release. Mr. Franklin, I'll go back to my original
16 question. Have you had a chance to go over with Mr. Mercer and
17 have you been made aware of the conditions that are being
18 proposed for your release from the institution?

19 MR. FRANKLIN: Yeah.

20 THE COURT: Okay. And have the conditions been reviewed
21 with you?

22 MR. FRANKLIN: Yeah, they have.

23 THE COURT: All right. And do you understand -- or
24 well, first off, do you agree to abide by those conditions?

25 MR. FRANKLIN: Yeah.

1 THE COURT: And do you understand that should you fail
2 to abide by the conditions, that the United States can come back
3 to the Court and ask that you be taken back into custody?

4 MR. FRANKLIN: And not only further than that, I will
5 call him personally and tell him that I will come back.

6 THE COURT: Well, understanding all that, do you wish to
7 the Court to approve your conditional release?

8 MR. FRANKLIN: Yeah.

9 THE COURT: And do you -- and, Mr. Mercer, do you want
10 to waive any 14-day periods?

11 MR. MERCER: Yes, Your Honor.

12 THE COURT: And, Ms. Wiggins, does the United States --

13 MS. WIGGINS: Yes, Your Honor.

14 THE COURT: -- waive the 14-day period?

15 MS. WIGGINS: Yes.

16 THE COURT: Well, Mr. Franklin, I'll try to get this to
17 the District Court as soon as possible. And with that, good luck
18 to you, sir.

19 MR. FRANKLIN: All right.

20 THE COURT: Good luck.

21 MR. FRANKLIN: Well, thank you sir.

22 MR. MERCER: Good luck.

23 (Court Adjourned)

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8 I certify that the foregoing is a correct transcript
9 from the electronic sound recording of the proceedings in the
above-entitled matter.

10
11 /s/ Lissa C. Whittaker
12 Signature of Transcriber

January 26, 2013
Date